

**TOWNSHIP OF HARMONY
Municipal Building
3003 Belvidere Road
Phillipsburg, New Jersey 08865**

Brian R. Tipton, Mayor

December 4, 2009

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Rt. 513)
Chester, New Jersey

Re: Harmony Township Petition to Conform to the Preservation Area

Dear Eileen:

Please accept this letter and the following enclosed documents as Harmony Township's Petition to Conform to the Preservation Area of the Highlands Master Plan as required by the Highlands Act:

1. Resolution of Harmony Township – Petition to Conform to the Preservation Area;
2. Meeting Minutes of the Planning Board Public Hearing on November 23, 2009;
3. Module 2
4. Module 3
5. Module 4
6. Module 5
7. Module 6
8. Module 7 – (to be provided)

It is important to note that we do not submit this package to you voluntarily, but rather, under the threat of potential repercussions by the Highlands' Council, COAH and the DEP, including but not limited to the loss of local jurisdiction over planning and zoning and the need to reimburse the Highlands Council for grant money received.

First and foremost, the Township would like to make it clear that this process of requiring Townships "to conform" to the Preservation Area makes no legal sense in that the Act has already created the intended restrictions in the Preservation Area. Instead, this process has caused a substantial waste of time and expenses for Townships with limited personnel and


resources.¹ The Preservation Area has been established since the enactment of the Act, and none of this extra work should be required for Townships that do not plan to conform to the Planning Area.

Second, the Township would like to make it clear that requiring the Township to submit hundreds of pages of maps and text in draft form at this time also makes no sense. The Highlands Council created the draft Master Plan Element and Land Use Ordinances – why then tell us to send these documents right back to the Council? The Township specifically objects to the incredible amount of unnecessary and self-serving language within these documents. The restrictions intended to be set forth in these documents are the law, there does not need to be all this extra language. It creates confusion and makes this process for the Township that much more arduous. Townships often spend 12-18 months to amend their Master Plans, and even in those situations the documentation is much less than the massive production that we have been working with for only the last month or two. As such, the documents submitted herein are not Harmony Township's draft documents, but rather the documents that we were asked to submit by December 8th to comply with the Act.

Last, but not least, Harmony wants to make it clear that we are still seriously evaluating the decision to conform to the Planning Area and will continue to do so through the spring of 2010. Unfortunately, the last month of extra work and controversy over the Preservation Area conformance process has caused us some delay and additional concerns which need to be analyzed in greater detail.

For the foregoing reasons, Harmony Township, respectfully requests that the Council accept the Township's Petition to Conform to the Preservation Area

Respectfully submitted,


Brian R. Tipton
Mayor of Harmony

¹ Even though the State funds the professionals expenses it seems like a waste of time when our State is in such a sad economic state.